

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK_____
X

JOSEPH FARRELL,

Plaintiff,

-against-

THE ROCKEFELLER UNIVERSITY HOSPITAL
a/k/a THE ROCKEFELLER UNIVERSITY,Defendant.

X

Date Index No. Purchased:

Index No.:

Plaintiff designates New York
County as the place of trial.The basis of venue is
Defendants' place of business.SUMMONS

The Above-Named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Melville, New York
October 10, 2019

Yours, etc.,



Adam P. Slater, Esq.

SLATER SLATER SCHULMAN LLP
Counsel for Plaintiff
445 Broad Hollow Road, Suite 419
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(631) 420-9300

-and-

By: Anthony T. DiPietro, Esq.
THE DIPIETRO LAW FIRM
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TO:

THE ROCKEFELLER UNIVERSITY HOSPITAL
a/k/a THE ROCKEFELLER UNIVERSITY
1230 York Avenue
New York, New York 10065

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK_____
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JOSEPH FARRELL,

Date Filed:

Index No.:

Plaintiff,

-against-

VERIFIED COMPLAINTTHE ROCKEFELLER UNIVERSITY HOSPITAL
a/k/a THE ROCKEFELLER UNIVERSITY,

Defendant.

X

Plaintiff, JOSEPH FARRELL ("Plaintiff"), by his attorneys Slater Slater Schulman LLP and The DiPietro Law Firm, brings this action against THE ROCKEFELLER UNIVERSITY HOSPITAL a/k/a THE ROCKEFELLER UNIVERSITY ("Rockefeller") and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

INTRODUCTION

1. This is an action brought pursuant to the Children Victims Act ("CVA"), CPLR §214-g. Plaintiff was an infant, as defined by the State of New York as a person under 17-years of age, when he was sexually assaulted by Reginald Archibald, former professor and senior physician at Rockefeller.

JURISDICTION AND VENUE

2. This Court has personal jurisdiction over Rockefeller pursuant to CPLR §§ 301 and 302, in that Rockefeller is either domiciled in New York, conducts, or at relevant times conducted, activities in New York that give rise to the claims asserted herein.

3. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

4. Venue is proper because Rockefeller is a domestic corporation authorized to transact business in the State of New York with its principal office located in New York, New York. Venue is proper because New York is the county in which a substantial part of the events or omissions giving rise to each plaintiff's claim occurred.

PRELIMINARY STATEMENT

5. This action seeks to vindicate the rights of Plaintiff, who was sexually exploited, abused, harassed and molested at the hands of serial sexual predator, Reginald Archibald, while he was a patient at Rockefeller.

6. Rockefeller, a world-renowned medical research institution, knew and should have known for decades that one of its leading doctors, Reginald Archibald, was serially sexually abusing minor patients under the guise of "child growth research".

7. Rockefeller conceded in a recently released investigatory report that Reginald Archibald, while purportedly offering patients cutting edge medical care and treatment, engaged in a "pervasive" and "widespread pattern of misconduct and sexually abused many children at the Hospital....". The Report on the Investigation of Reginald Archibald (May 23, 2019) ("Report"), is attached hereto as **Exhibit A**.

8. Rockefeller also admitted that by 1974, it was aware of numerous patient complaints against Reginald Archibald including a 1960–1961 grand jury investigation of which Rockefeller's President was notified, and several additional complaints from 1960 through 1974 to Rockefeller's Physician-in-Chief by patients, patients' family members, and staff about Archibald's exploitative and unnecessary examinations of children's genitals and other sexual

misconduct. Report, pp. 12-13, 19. In addition, Rockefeller had information -- while Reginald Archibald was still practicing at their hospital and medical clinics -- which indicated that Reginald Archibald “may have been engaged in misconduct and inappropriate and unnecessarily intrusive examinations of at least some of his patients.” Report, p. 26. Further, defendant Rockefeller failed to comply with required Institutional Review Board policies and procedures.

9. Despite these repeated complaints and other warning signs, Rockefeller knowingly and recklessly discounted and disregarded the abuse, concealed the abuse, and chose to place its own reputation, status, and wealth over the safety and well-being of the children under defendant Rockefeller’s custody, care, and control.

10. In doing so, Rockefeller enabled Reginald Archibald to have unfettered, unsupervised access to children, failed to warn children or their parents, and exposed the Plaintiffs to an unreasonable risk of danger.

11. The Plaintiff in this lawsuit is one of the children who was sexually abused because of the wrongful conduct of both defendant Rockefeller and Reginald Archibald.

PARTIES

12. Plaintiff is an individual residing in Orange County, New York. Plaintiff was an infant at the time of the sexual abuse stated herein.

13. Upon information and belief, Rockefeller, formerly known as The Rockefeller Institute for Medical Research, is a New York not-for-profit education corporation with its principal place of business in New York, New York.

14. Upon information and belief, at all relevant times, Rockefeller employed Reginald Archibald as a professor and physician.

15. This Court has subject matter jurisdiction of this action pursuant to Article VI of the New York Constitution.

16. Personal jurisdiction lies over Defendant as it is present and domiciled in the State of New York.

17. Venue of this action lies in New York County as a substantial part of the events or omissions giving rise to the claim occurred in New York County.

STATEMENT OF FACTS

18. From 1940 until 1982, Reginald Archibald was a former professor and senior physician of Rockefeller. Reginald Archibald studied childhood growth and sexual maturity. He also attended to pediatric patients at Rockefeller who had concerns about growth issues.

19. Upon information and belief, Reginald Archibald examined approximately 9,000 children at Rockefeller.

20. When Archibald retired, Rockefeller bestowed on him the honor of “physician emeritus” and continued his hospital privileges.

21. As Rockefeller recently admitted, Reginald Archibald spent much of his time at Rockefeller not conducting any purported childhood growth research, or providing legitimate medical treatment, but instead grossly, extensively, and repeatedly sexually abusing the infant patients entrusted to his care. *See Report*, pp. 1-2, 26.

22. While at Rockefeller, often behind locked doors, Reginald Archibald sexually abused thousands of children.

23. Reginald Archibald instructed infant patients to undress, insisted that they remain naked throughout the “examinations,” fondled them, played with, pulled and measured their genitals, (flaccid and erect), masturbated them, asked them to masturbate themselves while he

watched, took semen samples from them, instructed them to perform sex acts, placed some of them on his lap, engaged in sex acts with many of them, and otherwise sexually assaulted and abused his child patients.

24. Reginald Archibald also spent lengthy periods of time taking naked photos of almost all of his infant patients over many years for no legitimate medical reason.

25. Using Rockefeller's equipment, Reginald Archibald took sexually explicit images of both male and female patients. It is believed that defendant Rockefeller may currently be in possession of some of plaintiff's nude photographs.

26. Upon information and belief, employees of Rockefeller knew that Reginald Archibald was taking pictures of naked children, and yet did nothing to stop him.

KNOWLEDGE AND CONCEALMENT OF ACTS OF SEXUAL ABUSE

27. At all relevant times, Reginald Archibald was an agent, servant, and/ or employee of Rockefeller.

28. At all relevant times, Rockefeller supervised and controlled Reginald Archibald's conduct.

29. At all relevant times, Rockefeller enabled Reginald Archibald's serial sexual abuse of infant patients.

30. At all relevant times, all of the physicians, nurses, and other personnel involved in the diagnosis, care, and treatment of Plaintiff were agents, servants and/or employees of defendant Rockefeller.

31. At all relevant times, Reginald Archibald was a sexual predator.

32. Reginald Archibald sexually exploited and abused minor-patients on the premises of Rockefeller.

33. At all relevant times Rockefeller, through its employees and agents, knew or should have known that Archibald was sexually inappropriate with their infant patients.

34. Medical personnel, including nurses, administrators, and supervisors of Rockefeller knew or should have known that Archibald was sexually assaulting patients on their premises.

35. Medical personnel, including nurses, administrators, and supervisors of Rockefeller facilitated Reginald Archibald in the sexual assaults he was committing on the premises of Rockefeller.

36. Defendant Rockefeller, by and through their medical personnel, nurses, administrators, and supervisors, were mandated reporters at the time when Reginald Archibald committed his sexual exploitation and abuse of underaged patients upon their premises.

37. The failure of Rockefeller's medical personnel, including its nurses, administrators, supervisors and other agents, servants, and/or employees, to report, and/or stop, Reginald Archibald's sexual exploitation and abuse of children upon their premises was an act of negligence.

38. The failure of Rockefeller's medical personnel, including its nurses, administrators, supervisors and other agents, servants, and/or employees, to properly supervise Reginald Archibald and stop the sexual exploitation and abuse of children upon their premises was an act of negligence.

39. The failure of Rockefeller's medical personnel, including its nurses, administrators, supervisors and other agents, servants, and/or employees, to terminate Reginald Archibald for sexually exploiting and abusing children upon their premises was an act of negligence.

40. Rockefeller failed to take action or levy penalties against Rockefeller for the sexual assaults he committed on its premises.

41. Rockefeller created an environment which caused medical personnel, including nurses and administrators, to not report the sexual assaults being committed by Reginald Archibald for fear of reprisals.

42. Rockefeller failed to undertake a meaningful investigation to ascertain the facts and circumstances that allowed the sexual assaults to be committed by Rockefeller upon its premises.

43. Rockefeller, its agents, servants, and/or employees, failed to monitor and supervise the actions of Reginald Archibald, which enabled the sexual assaults to take place.

44. Rockefeller, its agents, servants, and/or employees, were complicit in the actions of Reginald Archibald, which enabled the sexual assaults to take place.

45. Rockefeller, its agents, servants, and/or employees, failed to act upon information and facts that Reginald Archibald was sexually assaulting patients on its premises.

46. Rockefeller failed to take any disciplinary action against Reginald Archibald.

47. Rockefeller failed to take any disciplinary action against any of the nurses and administrators who enabled Reginald Archibald to sexually assault patients on its premises.

48. Rockefeller, its agents, servants, and/or employees, observed Reginald Archibald sexually assaulting patients.

49. Rockefeller, its agents, servants, and/or employees, were informed and/or were aware of sexual assaults being committed by Reginald Archibald and failed to protect patients from further sexual assaults and sexual abuse.

50. Rockefeller, its agents, servants, and/or employees knew, or should have known, of sexual assaults being committed by Reginald Archibald and failed to protect patients from further sexual assaults and/or sexual abuse.

51. Rockefeller, its agents, servants, and/or employees have a legal, professional and/or ethical duty, responsibility and obligation to report all suspicions of sexual assaults by doctors or other medical personnel to Rockefeller's administration and Criminal Authorities.

52. Rockefeller, its agents, servants, and/or employees failed to report all suspicions of sexual assaults by doctors or other medical personnel to Rockefeller's administration and Criminal Authorities.

53. Rockefeller, its agents, servants, and/or employees did report suspicions of sexual assaults by Archibald to Rockefeller's Administration.

54. Rockefeller never took any disciplinary action against Reginald Archibald for having sexually assaulted his patients.

55. At all relevant times, Reginald Archibald was acting in the course and scope of his authority, agency, service, and/or employment for Rockefeller.

56. In or about 1960, two former patients of Reginald Archibald complained to the New York District Attorney about Reginald Archibald's misconduct at Rockefeller. Report, pp. 12-13.

57. In response to these complaints, a grand jury issued a subpoena to Rockefeller for the medical records of those two patients and then presented the matter to the grand jury. Report, pp. 12-13.

58. Although an indictment was apparently not returned, Rockefeller's then-President was familiar with the serious allegations and the criminal investigation. Report, pp. 12-13.

59. Upon information and belief, despite Rockefeller's senior management's knowledge of these serious allegations, Rockefeller took inadequate action to investigate Reginald Archibald's activities and failed to put in place any measures to protect its infant patients.

60. From 1960 to 1974, Rockefeller's Physician-in-Chief received several complaints from patients, family members, and staff about Archibald's examination of their infant patient's genitals. Report, p. 13.

61. That Physician-in-Chief viewed Reginald Archibald's taking genital measurements as a "questionable" medical practice. Report, p. 13.

62. Reginald Archibald, when confronted with these allegations, "became difficult" and "less communicative." Report, p. 13.

63. Upon information and belief, despite the numerous complaints to Rockefeller's Physician-in-Chief, and Reginald Archibald's evasive responses to questioning, Rockefeller took little or no action to investigate Reginald Archibald's activities and failed to put in place measures to protect its child patients.

64. During the decades of Reginald Archibald's employment at Rockefeller, there were "warning signs" and "information available [to Rockefeller] and [Rockefeller's] management" that "suggest[ed] that Archibald may have been engaged in misconduct and inappropriate and unnecessarily intrusive examinations of at least some of his patients." Report, p. 26.

65. Upon information and belief, Rockefeller disregarded these warning signs and information, taking little or no action to investigate Reginald Archibald's activities and failed to put in place measures to protect its young, vulnerable child patients.

66. If Rockefeller's former patients -- or their parents -- had been informed of any of the complaints against Reginald Archibald at any time before 2007 when Archibald died, they would have at least had an opportunity to confront their abuser in law and in fact.

67. By concealing Reginald Archibald's abuse and delaying a full accounting, Rockefeller benefitted as evidence grew stale and victims died. *See* Report, pp. 2, 4, 14, 16 n.18.

68. Upon information and belief, at no time did Rockefeller notify the U.S. Attorney's Office for the Southern District of New York regarding the production, and perhaps distribution, of child pornography by Reginald Archibald on its premises.

NATURE OF CONDUCT ALLEGED

69. This action alleges physical, psychological, and emotional injuries suffered as a result of conduct that would constitute a sexual offense on a minor as defined in Article 130 of the New York Penal Law, including without limitation, conduct constituting rape (consisting of sexual intercourse) (N.Y. Penal Law §§ 130.25 - 130.35); criminal sexual act (consisting of oral or anal sexual conduct) (N.Y. Penal Law §§ 130.40 - 130.53), and/or sexual abuse (consisting of sexual contact) (N.Y. Penal Law §§ 130.55 - 130.77).

FIRST CAUSE OF ACTION: NEGLIGENCE

70. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

71. Rockefeller knew or was negligent in not knowing that Reginald Archibald posed a threat of sexual abuse to children.

72. The acts of Reginald Archibald described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with Rockefeller.

73. Rockefeller owed Plaintiff a duty to protect Plaintiff from Reginald Archibald's sexual deviancy, both prior to and/or subsequent to Reginald Archibald's misconduct.

74. Rockefeller's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

75. At all times material hereto, with regard to the allegations contained herein, Reginald Archibald was under the direct supervision, employ and/or control of Rockefeller.

76. At all times material hereto, Rockefeller's actions were willful, wanton, malicious, reckless, and outrageous in its disregard for the rights and safety of Plaintiff.

77. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries and damages described herein.

78. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**SECOND CAUSE OF ACTION: NEGLIGENT HIRING, RETENTION, SUPERVISION,
AND/OR DIRECTION**

79. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

80. Rockefeller hired Reginald Archibald.

81. Rockefeller hired Reginald Archibald for a position that required him to work closely with young boys and girls.

82. Rockefeller was negligent in hiring Reginald Archibald because it knew or should have known, through the exercise of reasonable care of Reginald Archibald's propensity to develop inappropriate relationships with his infant patients and to engage in sexual behavior and lewd and lascivious conduct with such children.

83. Reginald Archibald would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by Rockefeller.

84. Reginald Archibald continued to molest Plaintiff while at Rockefeller.

85. The harm complained of herein was foreseeable.

86. Plaintiff would not have suffered the foreseeable harm complained of herein but for the negligence of Rockefeller in having placed Archibald, and/or allowed Reginald Archibald to remain in his position.

87. At all times while Reginald Archibald was employed or appointed by Rockefeller, he was supervised by Rockefeller and/or its agents and employees.

88. At all times while Archibald was employed or appointed by Rockefeller, he was under the direction of, and/or answerable to, Rockefeller and/or its agents and employees.

89. Rockefeller was negligent in its direction and/or supervision of Reginald Archibald in that it knew or should have known, through the exercise of ordinary care that Reginald Archibald's conduct would subject third parties to an unreasonable risk of harm, including Reginald Archibald's propensity to develop inappropriate relationships with children under his care and to engage in sexual behavior and lewd and lascivious conduct with such children.

90. Rockefeller failed to take steps to prevent such conduct from occurring.

91. Rockefeller was negligent in its retention of Reginald Archibald in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children under his care and to engage in sexual behavior and lewd and lascivious conduct with such children.

92. Rockefeller retained Reginald Archibald in his position and thus left him in a position to continue such behavior.

93. Rockefeller was further negligent in its retention, supervision, and/or direction of Reginald Archibald in that Archibald sexually molested Plaintiff on the premises of Rockefeller.

94. Rockefeller failed to take reasonable steps to prevent such events from occurring on its premises.

95. Reginald Archibald would not and could not have been in a position to sexually abuse Plaintiff had he not been negligently retained, supervised, and/or directed by Rockefeller.

96. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION: BREACH OF FIDUCIARY DUTY

97. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

98. Through the position to which Reginald Archibald was assigned by Rockefeller, Reginald Archibald was placed in direct contact with Plaintiff.

99. It was under these circumstances that Plaintiff was entrusted to the care of Rockefeller and - under its authority - came to be under the direction, control and dominance of, Reginald Archibald.

100. As a result, Reginald Archibald used his position of power and authority to sexually exploit, groom, abuse and harass Plaintiff, and countless other infant patients of Rockefeller.

101. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Rockefeller.

102. Pursuant to its fiduciary relationship, Rockefeller was entrusted with the well-being, care, and safety of the infant Plaintiff.

103. Pursuant to its fiduciary relationship, Rockefeller assumed a duty to act in the best interests of Plaintiff.

104. Rockefeller breached its fiduciary duties to Plaintiff.

105. At all times material hereto, Rockefeller's actions and/or inactions were willful, wanton, malicious, reckless, and/or outrageous in its disregard for the rights and safety of Plaintiff.

106. As a direct result of said conduct, Plaintiff has suffered, and continues to suffer, the injuries and damages described herein.

107. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION: BREACH OF NON-DELEGABLE DUTY

108. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

109. Plaintiff, when a minor, was placed in the care of Rockefeller for the purposes of, *inter alia*, providing the infant Plaintiff with a safe environment to receive medical treatment.

110. As a result, there existed a non-delegable duty of trust between Plaintiff and Rockefeller.

111. Plaintiff was a vulnerable child when placed within the care of Rockefeller.

112. Consequently, Rockefeller was in the best position to prevent Plaintiff's abuse, and to learn of Reginald Archibald's repeated sexual abuse of Plaintiff and stop it.

113. By virtue of the fact that Plaintiff was sexually abused as a minor patient entrusted to the care of Rockefeller, Rockefeller breached its non-delegable duty to Plaintiff.

114. At all times material hereto, Reginald Archibald was under the direct supervision, employ and/or control of Rockefeller.

115. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.

116. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION: BREACH OF DUTY IN LOCO PARENTIS

117. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

118. Plaintiff was a minor when his parents entrusted him to the control of Rockefeller for the purpose of, *inter alia*, providing Plaintiff with safe and accepted medical treatment.

119. Rockefeller owed a duty to adequately supervise its doctors and medical staff to prevent foreseeable injuries.

120. As a result, Rockefeller owed a duty to Plaintiff *in loco parentis*.

121. Rockefeller breached its duty *in loco parentis*.

122. At all times material hereto, Rockefeller's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.

123. As a direct result of Rockefeller's conduct, Plaintiff has suffered the injuries and damages described herein.

124. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

125. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

126. Defendant Rockefeller employed Reginald Archibald as Plaintiff's medical doctor during the time Reginald Archibald molested Plaintiff.

127. During the time of molestation, Reginald Archibald knew he would cause, or disregarded the substantial probability that he would cause, severe emotional distress to the infant plaintiff.

128. It was part of Reginald Archibald's scheme, as Plaintiff's medical doctor, to gain Plaintiff's trust. Reginald Archibald used and exploited that position of trust, and the representations made by Rockefeller about his character which accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to violate and sexually exploit the infant Plaintiff.

129. Rockefeller knew and/or disregarded the substantial probability that Reginald Archibald's conduct would cause severe emotional distress to Plaintiff.

130. Plaintiff suffered, and continues to suffer, severe emotional distress, including psychological and emotional injury as described above.

131. This distress was caused by Reginald Archibald's sexual abuse of Plaintiff.

132. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

133. Rockefeller is liable for Reginald Archibald's conduct under the doctrine of *respondeat superior*.

134. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**SEVENTH CAUSE OF ACTION: NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS**

135. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

136. As set forth at length herein, the actions of Rockefeller, its predecessors and/or successors, agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.

137. Rockefeller's actions endangered Plaintiff's safety and caused him to fear for his own safety.

138. As a direct and proximate result of Rockefeller's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

139. In addition to its own direct liability for negligently inflicting emotional distress on Plaintiff, Rockefeller is also liable for Reginald Archibald's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

140. At the time Archibald breached his duty to Plaintiff, Reginald Archibald was employed as Plaintiff's medical doctor, mentor and counselor by Rockefeller.

141. It was part of Archibald's job as Plaintiff's medical doctor to gain Plaintiff's trust. Archibald used his position, and the representations made by Rockefeller about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, fondle, grope, photograph, and sexually exploit Plaintiff.

142. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**EIGHTH CAUSE OF ACTION: BREACH OF STATUTORY DUTY TO
REPORT SEXUAL ABUSE UNDER SOC. SERV. LAW §§ 413, 420**

143. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

144. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, Rockefeller, its medical care providers, agents, servants, employees and/or staff, had a statutorily imposed duty to report the reasonable suspicion of abuse of children in their care.

145. Rockefeller breached that duty by knowingly and willfully failing to report the reasonable suspicion of abuse being committed by Archibald of countless children in their care.

146. As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and damages described herein.

147. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

**NINTH CAUSE OF ACTION: COMMITTING AND ENABLING
GENDER VIOLENCE**

148. Plaintiff repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

149. Reginald Archibald's acts of misconduct committed against Plaintiff, as set-forth herein, including the sexual harassment, grooming, exploitation, molestation and abuse of the infant Plaintiff constitutes gender-violence under N.Y.C. Admin. Code Chapter 9 §§ 8-901 - 8-907 and a form of sex discrimination in that one or more of Reginald Archibald's acts would constitute a criminal offense under New York State Laws that has as an element of the use, attempted use, or threatened use of physical force against the person of another, committed at least in part based on the gender of the victim, whether or not those acts have resulted in criminal complaints, charges, prosecution, or conviction. The criminal offenses and criminal acts committed by Reginald Archibald include, but are not limited to, CPL §§ 130.40(1), 130.52, 130.55 and the use of minors in a sexual performance for his own gratification.

150. Reginald Archibald's deviant and abusive acts committed against Plaintiff, as set forth herein, including the sexual harassment, grooming, exploitation, molestation and abuse of Plaintiff, constitutes gender-violence and a form of gender discrimination. Reginald Archibald's conduct referenced herein caused serious physical and mental injuries upon plaintiff, his body, person, and mental health, was a physical intrusion and/or physical invasion of a sexual nature upon Plaintiff under coercive conditions, whether or not those acts have resulted in criminal complaints, charges, prosecution, or conviction, and was committed by Reginald Archibald with animus, and malice, on account of plaintiffs' gender.

151. Defendant Rockefeller knew not only of Reginald Archibald's propensity to commit such acts, but also enabled Reginald Archibald to commit those acts by providing Reginald Archibald with access to the Rockefeller's infant, and male patients, as well bestowing upon him authority over those patients. By ignoring, dismissing, and failing to take any action against Reginald Archibald such as firing him, reporting him to the police, and/or reporting him to the New York State Medical Board, Defendants Rockefeller, enabled the abuse of hundreds of predominantly male patients, including the Plaintiff herein.

152. Further, defendant Rockefeller's enabling of Reginald Archibald's sexually exploitative, abusive, and criminal acts was done with animus and malice and a reckless disregard for the rights, safety and wellbeing of the abused boys.

153. As a proximate result of Reginald Archibald's acts, as well as Rockefeller's enabling of those acts over a period of greater than 40-years, Plaintiff is entitled to actual damages, compensatory damages, punitive damages, injunctive relief, legal disbursements, legal fees, any combination of those, or any other appropriate relief against Defendant Rockefeller.

154. Accordingly, compensatory and punitive damages, and legal fees, costs and disbursements, and other damages as are necessary under these facts as to the within named defendant.

155. The limitations of liability set forth in Article 16 of the CPLR do not apply to the causes of action alleged herein.

WHEREFORE, it is respectfully requested that the Court grant judgment in this action in favor of the Plaintiff, and against the Defendant, in a sum of money in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with all applicable interest, costs, disbursements, as well as punitive damages and such other, further and different relief as the Court in its discretion shall deem to be just, proper and equitable.

Dated: Melville, New York
October 10, 2019

Yours, etc.,



Adam P. Slater, Esq.

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-and-

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ATTORNEY'S VERIFICATION

Adam P. Slater, an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms the following statements to be true under the penalties of perjury, pursuant to Rule 2106 of the CPLR:

Your affirmant is a partner of SLATER SLATER SCHULMAN, LLP, attorneys for the Plaintiff in the within action;

That he has read the foregoing Complaint and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Affirmant further states that the source of his information and the grounds for his belief are derived from interviews with the Plaintiff and from the file maintained in the normal course of business.

Affirmant further states that the reason this verification is not made by the Plaintiff is that the Plaintiff is not presently within the County of New York, which is the county wherein the attorneys for the Plaintiff herein maintain their offices.

Dated: Melville, New York
October 10, 2019


Adam P. Slater, Esq.

SUPREME COURT OF THE STATE NEW YORK
COUNTY OF NEW YORK

-----X
JOSEPH FARRELL,

Index No.:

Plaintiff,

- against -

THE ROCKEFELLER UNIVERSITY HOSPITAL
a/k/a THE ROCKEFELLER UNIVERSITY,

Defendants.
-----X

SUMMONS & VERIFIED COMPLAINT

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New York, New York 10022

(212)922-0906

THE DIPIETRO LAW FIRM
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233 Broadway, Suite 880
New York, New York 10279

(212) 233-3600

CERTIFICATION

Pursuant to 22 NYCRR §130-1.1-a, the undersigned, an attorney duly admitted to practice in the courts of the State of New York, certifies that, upon information and belief, and reasonable inquiry, the contentions contained in the annexed document are not frivolous as defined in subsection (c) of the aforesaid section.

Adam P. Slater, Esq.

Anthony P. DiPietro, Esq.